

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

MICHAEL C. FERGUSON,

Plaintiff,

vs.

Civil Action No. 1:17-cv-02336

RALPH W. JUSTUS, individually,
DALE MURRAY, individually,
JAMES COBURN, individually,

Defendants.

**PLAINTIFF'S MOTION TO WITHDRAW
MOTION FOR DEFAULT JUDGMENT**

Comes now the Plaintiff, Michael C. Ferguson, by and through counsel, John H. Bryan, and respectfully moves this Court to withdraw the plaintiff's motion for default judgment against Defendants, Ralph W. Justus, Dale Murray, and James Coburn. In support thereof, the Plaintiff states as follows:

Plaintiff previously filed a motion for default judgment following the defendants' failure to file a responsive pleading. Since the date of the filing of the said motion, plaintiff's counsel was contacted by counsel for each of the defendants, who indicated to plaintiffs' counsel that they would be filing answers. As such, plaintiff no longer is seeking a default judgment.

WHEREFORE, the plaintiff respectfully requests that the Court withdraw the plaintiff's motion for default judgment and for such other and further relief as the Court deems just and fit.

MICHAEL C. FERGUSON,
By Counsel

/s John H. Bryan

John H. Bryan (WV Bar No. 10259)

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CERTIFICATE OF SERVICE

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing PLAINTIFF'S MOTION TO WITHDRAW MOTION FOR DEFAULT JUDGMENT was electronically filed with the Clerk of Court using the CM/ECF system and by United States Mail, postage pre-paid, this the 4th day of October, 2017 and addressed as follows:

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/s John H. Bryan
JOHN H. BRYAN